

Effective 5/12/2015

26-2-22 Inspection of vital records.

- (1)
 - (a) The vital records shall be open to inspection, but only in compliance with the provisions of this chapter, department rules, and Sections 78B-6-141 and 78B-6-144.
 - (b) It is unlawful for any state or local officer or employee to disclose data contained in vital records contrary to this chapter, department rule, Section 78B-6-141, or Section 78B-6-144.
 - (c)
 - (i) An adoption document is open to inspection as provided in Section 78B-6-141 or Section 78B-6-144.
 - (ii) A birth parent may not access an adoption document under Subsection 78B-6-141(3).
 - (d) A custodian of vital records may permit inspection of a vital record or issue a certified copy of a record or a part of a record when the custodian is satisfied that the applicant has demonstrated a direct, tangible, and legitimate interest.
- (2) A direct, tangible, and legitimate interest in a vital record is present only if:
 - (a) the request is from:
 - (i) the subject;
 - (ii) a member of the subject's immediate family;
 - (iii) the guardian of the subject;
 - (iv) a designated legal representative of the subject; or
 - (v) a person, including a child-placing agency as defined in Section 78B-6-103, with whom a child has been placed pending finalization of an adoption of the child;
 - (b) the request involves a personal or property right of the subject of the record;
 - (c) the request is for official purposes of a public health authority or a state, local, or federal governmental agency;
 - (d) the request is for a statistical or medical research program and prior consent has been obtained from the state registrar; or
 - (e) the request is a certified copy of an order of a court of record specifying the record to be examined or copied.
- (3) For purposes of Subsection (2):
 - (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild;
 - (b) a designated legal representative means an attorney, physician, funeral service director, genealogist, or other agent of the subject or the subject's immediate family who has been delegated the authority to access vital records;
 - (c) except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or the immediate family member of a parent, who does not have legal or physical custody of or visitation or parent-time rights for a child because of the termination of parental rights pursuant to Title 78A, Chapter 6, Juvenile Court Act of 1996, or by virtue of consenting to or relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a direct, tangible, and legitimate interest; and
 - (d) a commercial firm or agency requesting names, addresses, or similar information may not be considered as having a direct, tangible, and legitimate interest.
- (4) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make the following records available to the public:
 - (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding confidential information collected for medical and health use, if 100 years or more have passed since the date of birth;

- (b) a death record if 50 years or more have passed since the date of death; and
 - (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed since the date of the event upon which the record is based.
- (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make an adoption document available as provided in Sections 78B-6-141 and 78B-6-144.
- (6) The office shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and the content of forms as follows:
- (a) for a birth parent's election to permit identifying information about the birth parent to be made available, under Section 78B-6-141;
 - (b) for the release of information by the mutual-consent, voluntary adoption registry, under Section 78B-6-144; and
 - (c) for collecting fees and donations pursuant to Section 78B-6-144.5.

Amended by Chapter 137, 2015 General Session